

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
v.	)	2:07cr260-MHT
	)	(WO)
WILLIAM TOBY KIMBROUGH	)	
	)	

ORDER

Previously, in 2008, defendant William Toby Kimbrough pled guilty to receiving child pornography in interstate commerce by internet, 18 U.S.C. § 2252A(a)(2)), and was sentenced to 63 months of imprisonment followed by a life term of supervised release. Defendant Kimbrough having now been released on supervised release and having pled guilty to the charges contained in a revocation petition (doc. no. 58) on October 14, 2016, it is ORDERED as follows:

(1) Defendant William Toby Kimbrough is adjudged guilty of the following three violations contained in the petition for revocation of supervised release (doc. no. 58):

(A) A new criminal offense of driving under the influence of a controlled substance.

(B) A new criminal offense of unlawful possession of a controlled substance.

(C) A violation of the conditions of supervised release by unlawful possession of a controlled substance.

(2) So as to allow the parties to develop a treatment plan, sentencing is continued to November 4, 2016, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

(3) On or before November 1, 2016, Probation, the Assistant United States Attorney, and defense counsel are to submit jointly to the court a treatment plan that:

(A) Provides for anger-management counseling and sex-offender treatment for defendant Kimbrough without jeopardizing his employment. (Although the court ordered this treatment and counseling before as incident to the November 2014 revocation, defendant Kimbrough never completed them. )

(B) Provides for intensive drug-and-alcohol-abuse treatment for defendant Kimbrough without jeopardizing his employment. (It appears that defendant Kimbrough's illegal conduct is driven by substance addiction.)

(C) Coordinates defendant Kimbrough's intensive drug-and-alcohol-abuse treatment with the state drug-abuse referral program that he must attend incident to his pending state DUI charge.

(D) Includes a date for defendant Kimbrough to serve one day in jail without jeopardizing his employment. (Pursuant to 18 U.S.C. § 3583(g)(1), revocation is mandatory here.)

(E) Includes that defendant Kimbrough is to wear an alcohol-monitoring device.

It is further ORDERED that the court will resolve later how long defendant Kimbrough will be on supervised release.

DONE, this the 18th day of October, 2016.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE